**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR**

**:::**

**ORDER**

**Bhopalwala Arya Higher Secondary School Managing Committee**
**Vs.**
**The Rajasthan Non-Government Educational Institutions Tribunal, & Ors.**

**S.B. CIVIL WRIT PETITION NO.1876/2000 UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.**

**DATE OF ORDER** :: 1st November, 2006

**PRESENT**

**HON'BLE JUSTICE SHRI MOHAMMAD RAFIQ**

Mr.Vijay Aggarwal, for the petitioners.
Mr.K.S. Yadav, for the respondents.

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**BY THE COURT:**

This writ petition is directed against the decision of the Rajasthan Non-Government Educational Institutions Tribunal, Jaipur dated 11.4.2000 allowing the application of respondent no.3 Agar Singh

When the case was taken up, it was stated on behalf of the petitioner that the issues involved in this petition are covered by the decision of the Full Bench of this Court in S.R. Higher Secondary School & Anr. Vs. Raj. Non-Government Educational Institutions Tribunal, Jaipur & 23 others reported in 2002(3) WLC (Raj.) 586 and the decision of the Hon'ble Supreme Court in Rajasthan Welfare Society Vs. State of Rajasthan reported in JT 2005(4) SC 163. Dealing with the claim of selection grade, the Full Bench of this Court held as under: -

> "Once it is decided by the Government to provide grant-in-aid in accordance with Ss.7(3) and 7(4) of the Act it leaves no room for the sanctioning authority to exercise its discretion to grant or not to grant the aid in regard to the items covered under Sc.7(3) and 7(4) of the Act. Selection scale being salary, once the State Government has decided to grant aid to an NGEI, it will form the part of grant-in-aid and thus the State Government in the eventuality of sanctioning the grant, will pay for the same in accordance with the percentage prescribed to the category in which the NGEIs is placed."

On the strength of the above observations of this Court,

learned counsel for the petitioner submitted that the State Government may be directed to provide necessary funds so that the payment due on account of the difference of pay as a result of grant of selection grade and un-utilized leave salary to the permissible extend may be paid to the respondents.

Learned counsel for the petitioner submitted that this court in the judgment cited supra permitted the Non-Government Educational Institutions to make representations to release the amount payable on account of selection scale and in the light of the aforesaid observations, the petitioner – institute may also be permitted to make representation. It would be open to the petitioner – institution to make representation to the Government in the light of the observation.

The writ petition stand disposed of in the above terms.

**(MOHAMMAD RAFIQ),J.**

c.p.goyal/-